

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8551 of 2016

- Vishnu Agrawal S/o Late Shri Suresh Chandra Agrawal, Aged About 35 Years Occupation Business, R/o Manendragarh Road, Surajpur, Police Station Surajpur, District Surajpur, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through the S.H.O., Police Station Surajpur, District Surajpur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Sunil Otwani, Advocate
For the Respondent	:	Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24.1.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.352/2016 registered at P.S. Surajpur, Distt. Surajpur (C.G) for the offence punishable under Sections 302, 120-B read with Section 34 of IPC and Sections 25 & 27 of the Arms Act.
2. As per the prosecution case, one Umesh Pillai was killed by gun shot on 22.08.2016. It is alleged that the present applicant alongwith other co-accused hatched conspiracy as the deceased used to blackmail Hansraj and the present applicant on the basis of a video clipping wherein they were seen with a girl in compromising position. Consequently the applicant and other accused decided to eliminate Umesh Pillai and they killed him.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case and

there is no evidence against the present applicant and the charges u/s 302 IPC has been framed. It is further submitted that after the seizure of mobile of deceased which was sent, it was found blank and the data was not retrieved and only on the basis of narration of last seen together the applicant has been implicated, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the documents. The statement of Munib Singh would show that Umesh was in the company of the applicant alongwith other accused at about 12 o' in the night in a Dhabha. Subsequently on the very next day, Umesh was found murdered. Also perused the statement of Deepak Kumar who was present at the time of purchase of pistol. Considering such statements and memorandum of accused, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**